

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	
FRED’S INC., et al.,	)	Chapter 11
	)	Bankruptcy Case No. 19-11984 (CTG)
Debtors.	)	Bankr. BAP No. 23-00061
_____	)	
	)	
FI LIQUIDATING TRUST,	)	
	)	
Appellant,	)	
	)	
v.	)	Civil Action No. 23-1233-RGA
	)	
THE TERMINIX INTERNATIONAL	)	
COMPANY LIMITED PARTNERSHIP,	)	
	)	
Appellee.	)	
_____	)	

**ORDER**

At Wilmington, Delaware, this **27th day of November 2023**,

WHEREAS, pursuant to Section 1 of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District (“Procedures”), dated July 19, 2023, the Court conducted an initial review of this matter, including having gathered information from the parties and their counsel, in order to determine the appropriateness of mediation for the case;

WHEREAS the parties jointly agree that their disputes here cannot be resolved through mediation and the Court agrees;

THEREFORE, pursuant to Section 1 of the Procedures, the Court determines that mediation is not appropriate in this matter and recommends that the assigned District Judge issue an order withdrawing the matter from mediation and setting the following appellate briefing

schedule (agreed to by the parties):

Appellant's Brief: 30 days from the date of this Order.

Appellee's Response Brief: 30 days from receipt of the Opening Brief

Appellant's Reply Brief: 14 days from receipt of the Answering Brief

  
\_\_\_\_\_  
Christopher J. Burke  
UNITED STATES MAGISTRATE JUDGE